



Attorney Docket No. ANAMD01B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alok Nigam)
Serial No: 09/704,261)
Filed: November 1, 2000)
For: Sutureless Implantable Device)
And Method For Treatment Of)
Glaucoma)

Art Unit: To Be Determined

Examiner: To Be determined

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AUG 30 2001

OFFICE OF PETITIONS

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

**PETITION UNDER 37 CFR 1.181(a) FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT DUE TO NON-RECEIPT OF OFFICE ACTION**

Dear Sir:

Applicant hereby petitions under 37 CFR 1.181(a) for withdrawal of the holding of abandonment in the above-identified application.

Applicant has learned that a Notice of Abandonment has issued in relation to the above-identified application. This application was filed on November 1, 2000 as a continuation of copending application Serial No. 09/123,676. On November 17, 2000, applicant's counsel received a return post card confirming that this continuation application had been received by the office and had been assigned Serial No. 09/704,261. A copy of this post card is appended hereto as Exhibit A. However no notice to file missing parts has been received by applicant or applicant's counsel.

After learning that a Notice of Abandonment had been issued in this case, Applicant's counsel placed several telephone calls to examiner Anton Nguyen, who had examined the parent case. After speaking with Examiner Nguyen, it was determined that this application file was still in the Initial Examination Section. During a subsequent telephone conversation with Ms. Robinson in the Initial Examination Section, applicant's counsel was informed that a Notice to File Missing parts (Filing Date Granted) had been

mailed to applicant's undersigned counsel at his *prior* address of Sereboff & Buyan, LLP, 2600 Michelson Drive, Irvine, CA. The firm of Sereboff & Buyan was dissolved in November of 1998 and applicant's counsel subsequently filed a change of address in the parent application. The forwarding of mail from counsel's old address has since expired. Copies of the previously filed change of address and return post card evidencing the filing of such change of address are attached hereto as Exhibits B and C. This change of address was effected in the parent case and, in fact, the Notice of Allowance in the parent case was mailed to the correct address shown below.

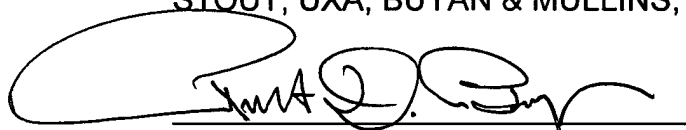
Furthermore, the continuation application papers filed in this case clearly showed the correct mailing address (although the photocopy of the declaration & power of attorney document that had been filed in the parent case did still show the old address that was in effect when that document was originally filed).

Thus, applicant has not received any Notice to File Missing Parts in this application. Accordingly, applicant's failure to respond to the Notice to File Missing Parts due to the fact that the Notice to File Missing Parts was never received by applicant.

No fee is seen to be due in connection with this petition. If any fee is properly deemed to be due, the Commissioner is authorized to deduct such fee from deposit account no. 50-0878.

Respectfully submitted,
STOUT, UXA, BUYAN & MULLINS, LLP

Date: August 23, 2001


Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, CA 92618
Telephone: 949/450-1750 x213
Facsimile: 949/450-1764
email: rbuyan@patlawyers.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231:

Date: August 23, 2001

Name: Francine Sanders

Signature: 